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ROBERT RYAN MORISHITA MORISHITA LAW FIRM, LLC 3800 HOWARD HUGHES PKWY, SUITE 850 LAS VEGAS, NV 89169			PATEL, MANGLESH M	
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Please find below and/or attached an Office communication concerning this application or proceeding.



### **DETAILED ACTION**

1. This **Non-Final** action is responsive to the amendment filed on February 7, 2006.
2. Claims 1-9 are pending. Claims 1, 6, 7 and 8 are independent claims.

### **Priority**

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in PCT /AU02/00249, filed on March 6, 2001.

### **Withdrawn Rejections**

4. The 35 U.S.C. 102(e) rejections of claims 1-9 with cited reference of Levin U.S. 2004/0102957, with provisional date Nov 22, 2002 has been withdrawn in view of granted priority date of March 6, 2001 to PCT /AU02/00249.

### ***Drawings***

5. The examiner has accepted the Drawings filed on September 4, 2003.

### ***Double Patenting***

6. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re*

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*Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

7. Claims 1-9 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1-9 of copending Application No. 10/560876. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

**Regarding claims 1-9; see ('876, Claims 1-9 respectively);**

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. Claims 6 & 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Berstis (U.S. 6,901,367, filed Jan 28, 1999).

**Regarding Independent claim 6, Berstis discloses a seamless translation system comprising:**

- An originating computer sending an electronic communication (column 3, lines 55-67, wherein the communicated data arrives and is processed by the data system thereby including an originating computer);
- A receiving computer receiving a translated electronic communication (column 3, lines 55-67, wherein the communicated data arrives and is processed by the data system thereby including a computer for receiving the communication);
- A network connecting the originating computer to the receiving computer (column 3, lines 55-67, wherein the communicated data arrives and is processed by the data system within a network);
- And a translation manager performing the steps of: automatically determining the language of the electronic communication (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the source language is determined by a language identifier process when the function is set to automatic translation);
- Automatically determining the preferred language of a user of the receiving computer (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the language translation center handles the automatic translation including the preferred language of the receiving computer);
- Obtaining a translation from the language of the communication to the language of the user (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the translated text and the original communicated text is sent to

the output thereby it includes obtaining the translation from the translation center);

- Sending the translated communication to the user (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the translated text is sent to the user).

**Regarding Independent claim 8,** Berstis discloses a seamless translation system comprising:

- An originating computer sending an electronic communication (column 3, lines 55-67, wherein the communicated data arrives and is processed by the data system thereby including an originating computer);
- A receiving computer receiving a translated electronic communication (column 3, lines 55-67, wherein the communicated data arrives and is processed by the data system thereby including a computer to receive the communication);
- A network connecting the originating computer to the receiving computer (column 3, lines 55-67, wherein the communicated data arrives and is processed by the data system within a network);
- Automatic means for determining the language of the electronic communication (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the language translation center handles the automatic translation including the preferred language of the receiving computer);

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- Automatic means for determining the preferred language of a user of the receiving computer (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the language translation center handles the automatic translation including the preferred language of the receiving computer);
- Means for obtaining a translation from the language of the communication to the language of the user (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the translated text and the original communicated text is sent to the output thereby it includes obtaining the translation from the translation center);
- Means for sending the translated electronic communication to the user (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the translated text is sent to the user).

**Regarding Dependent claim 9**, with dependency of claim 8, Berstis discloses a seamless translation system comprising a translation manager, said translation manager including:

- Said automatic means for determining the language of the electronic communication (column 7, lines 45-67, wherein when the system is set with automatic translation then a determination is made by comparing the source language with the target language to determine a required translation from the language translation center 311 of figure 3);

- Said automatic means for determining the preferred language of a user of the receiving computer (column 7, lines 45-67, wherein when the system is set with automatic translation then a determination is made by comparing the source language with the target language to determine a required translation from the language translation center 311 of figure 3);
- Said means for obtaining a translation from the language of the communication to the language of the user (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the language translation center handles the translation from the communication to the user language);
- Said means for sending the translated electronic communication to the user (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the translated communication is sent to the user from the translation center).

### **Claim Rejections - 35 USC § 103**

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis (U.S. 6,901,367, filed Jan 28, 1999) in view of Siefert (U.S. 5,778,380 filed on Apr 9, 1997).



**Regarding Independent claim 1**, A method of automatic translation of an electronic communication from a source language to one or more target languages including the steps of: Berstis discloses determining the source language of the electronic communication by identifying a translation identifier or parsing said electronic communication with a language identifier means (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the source language is determined by a language identifier process when the function is set to automatic translation); Comparing the target language and source language to determine a required translation (column 7, lines 45-67, wherein when the system is set with automatic translation then a determination is made by comparing the source language with the target language to determine a required translation from the language translation center 311 of figure 3); Obtaining the required translation (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the translated text and the original communicated text is sent to the output thereby it includes obtaining the translation from the translation center); And displaying the translated electronic communication to the user (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the translated text and the original communicated text is sent to the output where it is displayed to the user in step 317 of fig 3 thereby it includes displaying the translated communication to a user). Berstis fails to explicitly teach a user profile. Siefert teaches determining the target language for the electronic communication by reading a user profile of a user receiving the electronic

communication (abstract & column 2, lines 38-60, wherein the invention identifies the language in a text file [source] and translates the language into another language specified by the user, according to a user profile setting); Berstis and Siefert are analogous art because they are from the same field of endeavor of language translation systems. Berstis teaches the automatic language translation based on user settings but does not explicitly teach the use of a user profile Siefert discloses language translation based on a user profile. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have included the use of a user profile for setting a translation system. The motivation for doing so would have been to prevent the user from repeatedly setting translation options saving time by loading a user profile. Therefore it would have been obvious to combine the teachings of Siefert with Berstis for the benefits of allowing automatic translation from a source to a target language by implementing a user profile to automatically load translation settings as described by the user thereby saving time.

**Regarding Dependent claim 2**, with dependency of claim 1, Berstis discloses a method of automatic translation of an electronic communication according to claim 1 wherein, the translation identifier is a language identifier such as an HTML tag in an HTML document (column 5, lines 60-67 & column 6, lines 1-10, wherein the language identifier includes HTML tags).

**Regarding Dependent claim 3**, with dependency of claim 1, Berstis discloses a method of automatic translation of an electronic communication: Berstis discloses wherein the translation identifier is a translation information segment (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the language identification steps include a translation information segment).

**Regarding Dependent claim 4**, with dependency of claim 1, Berstis discloses a method of automatic translation of an electronic communication according to claim 1, wherein, if there is no translation identifier in said electronic communication, the method comprises the further step of: Parsing the communication with a language identifier software to determine the source language of the communication or obtaining human intervention to identify the source language (figs 3 & 4 & column 7, lines 5-67 & column 8, lines 1-67, wherein the language translation center consists of software algorithm that implements translations from one language to another thereby inherently including the step of parsing the communication).

**Regarding Dependent claim 5**, with dependency of claim 1, Berstis discloses a method of automatic translation of an electronic communication wherein the step of determining the target language further includes the step of: Although Berstis allows modification set by a user for language translation system, he fails to explicitly teach the use of a user profile. Siefert disclose

reading a cookie or a file on a receiving machine to obtain the user profile or obtaining a preference language from a single sign-on system, such as Microsoft Passport. TM. or other information repository (abstract & column 2, lines 38-60). Berstis and Siefert are analogous art because they are from the same field of endeavor of language translation systems. Berstis teaches the automatic language translation based on user settings but does not explicitly teach the use of a user profile Siefert discloses language translation based on a user profile. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have included the use of a user profile for setting a translation system. The motivation for doing so would have been to prevent the user from repeatedly setting translation options saving time by loading a user profile. Therefore it would have been obvious to combine the teachings of Siefert with Berstis for the benefits of allowing automatic translation from a source to a target language by implementing a user profile to automatically load translation settings as described by the user thereby saving time.

**Regarding Independent claim 7**, Berstis discloses a seamless translation system comprising: An electronic communication originating from a source and in a source language containing a translation identifier (fig 3 & column 7, lines 5-67 & column 8, lines 1-67); And a translation manager including means for determining the source language and a target language of said

electronic communication (column 7, lines 45-67, wherein when the system is set with automatic translation then a determination is made by comparing the source language with the target language to determine a required translation from the language translation center 311 of figure 3); Wherein the translation manager executes a required translation of said source language to said target language using the translation identifier and the user profile (fig 3 & column 7, lines 5-67 & column 8, lines 1-67, wherein the translation center performs the translation using the translation identifier). Berstis fails to explicitly teach a user profile. Siefert teaches a user profile (abstract & column 2, lines 38-60, wherein the invention identifies the language in a text file [source] and translates the language into another language specified by the user, according to a user profile setting); Berstis and Siefert are analogous art because they are from the same field of endeavor of language translation systems. Berstis teaches the automatic language translation based on user settings but does not explicitly teach the use of a user profile Siefert discloses language translation based on a user profile. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have included the use of a user profile for setting a translation system. The motivation for doing so would have been to prevent the user from repeatedly setting translation options saving time by loading a user profile. Therefore it would have been obvious to combine the teachings of Siefert with Berstis for the benefits of allowing automatic translation from a source to a target

language by implementing a user profile to automatically load translation settings as described by the user thereby saving time.

*It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]*

### **Response to Arguments**

12. Applicant's arguments filed February 7, 2006 with respect to the rejection(s) of claim(s) 1-9 under 35 U.S.C. 102(e) in view of Levin U.S. Pub 2004/0102957 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Berstis (U.S. 6,901,367) and Siefert (U.S. 5,778,380).

### **Conclusion**

#### **Other Prior Art Cited**

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bernth et al. (U.S. 6,285,978) discloses "System And Method For Estimating Accuracy Of An Automatic Natural Language Translation"
- Spector (U.S. Pub 2002/0123879) discloses "Translation System & Method"

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- NPL –Systran Enterprise Products page, Systran, 2004, pgs 1-3

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M,F 8:30-6:00 T,TH 8:30-3:00 Wed 8:30-7:00.


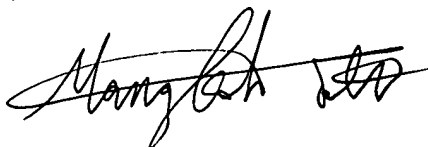
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571)272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Manglesh M. Patel

Patent Examiner

April 27, 2006

  
**CESAR PAULA**  
**PRIMARY EXAMINER**